

PATENT
ATTY. DOCKET NO. 63616.000002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 10/770,390 Confirmation No.: 2751
Applicant : Catherine L. GIFFORD, et al.
Filed : February 4, 2004
Title : HAIR STYLING APPARATUS AND METHOD FOR STYLING
A PERSON'S HAIR
TC/Art Unit : 3732
Examiner: : Doan, Robyn Kieu

Docket No. : 63616.000002
Customer No. : 21967

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Declaration Of Catherine L. Gifford Under 37 C.F.R. § 1.132

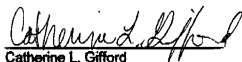
Sir:

I, Catherine L. Gifford, state as follows:

1. I am a named inventor for the above-listed application. I am also President of the company that sells the product related to the invention claimed in the above noted application.
2. I declare that the April 2005 issue of Vogue Magazine included the Scrunchit product on their "Most Wanted For Spring" page. Attachment A
3. I declare that the March 2005 issue of Sophisticate's Hair Style Guide magazine included the article captioned "Going Curly" regarding the Scrunchit product. Attachment B.
4. I declare that I received the attached testimonial from Melanie Reese, a Scrunch Glove user in Logandale, Nevada with 15 years of experience in the industry. Attachment C.

Appln. No. 10/770,390
Docket No. 63616.000002

5. I declare that I received the attached testimonial from Kerri Thornton, a hair stylist in Henderson, Nevada, with 17 years of experience in the industry. Attachment D.
6. I declare that the financial data included in Attachment E is an accurate representation of the sales data related to the Schrunchit product for the time period from July 2004 to July 2006. Over 1.2 million dollars in gross revenue has been sold.
7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Catherine L. Gifford

7/14/06
Date

ATTACHMENT A

Advertisement

Vaniqua

Let others see your natural beauty, and save time too! What could be better for today's busy women? Visit VANQUA.com/rebate for valuable information, and for \$10 off your first prescription of VANQUA! VANQUA.com/rebate or 866-567-0110

Most Wanted for spring

by Janine & Enka

Comodynes

with oats, Make-up remover towelettes, tone, moisturize and soothe your skin. Comodynes Dermatological for acne and problem skin, cleanses pores, non-drying, restores moisture. Available at www.shop.comodynes.com, Barbell Drugs, www.barbell.com & comodynes.tv

Curlisto

8 Minute Curl Repair
Revolutionary hair Masque intensively repairs dry, frizzy, damaged hair in 8 minutes without heat. Follow with our Repair Styling Creams for split ends and maximum results on your style. \$28-30 curlisto.com or 800-611-CURL for a free consultation.

Sexy Hair

For a soft, silken finish irresistible to touch, look for Silky Sexy Hair Sables, a medium-hold non-aerosol hairspray, at Trade Secret and other fine salons. See sexyhair.com

Supersmile

The anytime, anywhere, whitest teeth, fresher breath, on-the-go oral care solution that fits in your pocket, created by Dr. Irwin Smigel the "father of aesthetic dentistry". supersmile.com

j.a.n.e.

Carry-Along Quads and Mix & Match Collections. Eye-shadows expertly-matched to high-light, contrast and color! Available in multiple combinations for diverse complexions. Available at drug/mass stores.

Lannine

A gift from the heart, Lannine hand and body cream loves your skin the way you do. Lannine has miraculous healing properties for all skin conditions. Lannine is #1 recommended by consumers. Visit website to read testimonials: bminternational.com. Available at fine stores. For info, call toll free 877-LANNINE.

ECRU New York

For curl without frizz, scrunch a small amount of Silk Nectar Serum and Marine Styling Foam onto damp hair. With Cosmetics Haircare the possibilities are endless...used individually or together, ECRU New York creates any style on all types of hair. ecrunewyork.com or 888-ECRU-NYC

Camille Beckman

Indulge your senses with French Vanilla luxurious creams and lotions. Using quality old fashioned formulas made with wholesome ingredients, French Vanilla is fun to give...and receive! For stores visit camillebeckman.com

Makeup Magic

When beauty matters...Blemish Cover Kit has everything you need to conceal and control breakouts in one great kit. \$30, makeupmagic.com/bc01 or 800-524-1120

Scrunch & Curl

Curl without damaging chemicals, high heat or curler sets? The Scrunch & Curl hair system says yes! curls and lasts all day. It's away, scrunches! \$39.99+/\$h

for more information "Haute Media by Janine Harris and Enka" call 949.675.4500

ATTACHMENT B

900+ STYLES

MORE THAN ANY OTHER MAGAZINE!

JESSICA KELLY
SOPHISTICATED FASHION STYLE OUTRIP

SOPHISTICATED

HAIR

MISCHA
BARTON

WORLD'S
BEST-SELLING
HAIR
MAGAZINE
MODELS HER
SEXY NEW
O.C. STYLES!

STAR STYLES



JENNIFER



RACHEL



KRISTEN



REBA



JENNIFER



MONICA

FREE
SAVE
ON HAIR
PRODUCTS

MARCH 2005 \$4.99

BIG 200
EDITION

MORE
MORE PAGES!

DESPERATE HOUSEWIVES!
SEXY STYLES!

bonus!
three big sections!

2005

CLIP &
SNIP

STAR MAKEOVER!
AMERICAN
DREAMS'
GAIL O'GRADY

PRINTED IN U.S.A.

\$4.99 (CAN. \$5.99)



0 71890 46549 5

Mailbox: (Display Unit) March 1, 2005

product!

GOING CURL

get great texture and waves in a snap

Looking for a change from those stick-straight locks? Then you've got to try One Minute Scrunch & Curl, a three-step system to get pretty waves and curls. *Sophisticate* has the detailed scoop right here—and the chance for you to try this nifty product

What It Is

We're seeing tons of texture everywhere—from the runways to the red carpet to the streets in every city. Now you can create your very own wavy mane at home, thanks to One Minute Scrunch & Curl. From the creators of One Minute Manicure, Scrunch & Curl is a three-step system that uses your own blow-dryer to imbue locks with pretty waves.

The kit comes with a Curl Forming Creme, a Scrunch Glove and a wide-tooth comb, all specially designed to help form beautiful curls and waves on even naturally straight hair.

How It Works

The Scrunch & Curl Curl Forming Creme primes damp locks for curl readiness and helps form softer curls that last longer. A special glove is then used to scrunch hair while blow-drying. The glove is specially designed to absorb water and protect your hand from the heat of the blow-dryer. It also acts as a "convection oven," quickly drying the hair by rotating the heat through your cupped hand. Because the hair is drying quickly, it's "freezing" the curl you've created with the scrunching. The whole process takes no longer to do than if you were blow-drying your hair normally!

step-by-step



1. Wet One Minute Scrunch & Curl hair with water. Apply One Minute Scrunch & Curl Curl Forming Creme to damp hair.



2. Use the wide-tooth comb to detangle hair. Then, use the Scrunch Glove to scrunch hair while blow-drying.



3. Blow-dry hair while cupping it with the Scrunch Glove. The heat is directed through the cupped hand, drying the hair quickly and setting the curl.



4. The final result: soft, bouncy curls that last all day long.

Scrunch & Curl
TRY IT FOR
free!



Sophisticate's Hairstyle Guide and One Minute Scrunch & Curl have teamed up to offer 10 readers the hot opportunity to try this cool curl-creating product for free. Simply fill in the coupon below and be one of the first 10 readers to mail it to:

Send coupon to:

Sophisticate's Hairstyle Guide

Scrunch & Curl, 875 N. Michigan Avenue,
Suite 3434, Chicago, IL 60611-1901.

Name: _____

Address: _____

City: _____

State: _____

ZIP: _____

Hurry! Supplies are limited and this offer is only good until they run out. Only original coupons will be accepted.

scrunch & curl YOUR QUESTIONS ANSWERED

Q: How long will the curls last that I create with Scrunch & Curl?

A: Those pretty curves will typically last for several days, or until you wash them out. Of course, curls can be affected by hair type, weather conditions and other products you use, just like natural tangles.

Q: How much does the system cost, and what's included?

A: Each Scrunch & Curl kit comes with Curl Forming Creme, a Scrunch Glove and a Styling Spray. The Styling Spray can be washed for re-use, and the glove can be reused depending on how much you use. You can also use Curl Forming Spray to help secure curls.

Q: Where can I buy Scrunch & Curl?

A: You can call 1-800-888-6488 or check out our website.



Reg
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Reg

ATTACHMENT C

Cuneo, Chris

From: Catherine and Brent [giff92888@cox.net]
Sent: Saturday, June 03, 2006 7:21 PM
To: Cuneo, Chris
Subject: Scrunch Glove

June 2, 2006

Dear Catherine,
I think your Scrunch Glove is awesome!!!! There is just nothing else like it, anywhere! Who could have ever thought that something so simple as a glove could transform straight, lifeless hair into hundreds of glorious curls! And what's more-----it's sooo easy to use! I am a BELIEVER!
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.
Sincerely,
Melanie Reese

702-398-3793

7/13/2006

ATTACHMENT D

Cuneo, Chris

From: Cuneo, Chris
Sent: Thursday, June 15, 2006 6:14 PM
To: Cuneo, Chris
Subject: FW: Vogue Magazine SCRUNCH GLOVE

-----Original Message-----

From: Catherine and Brent [mailto:giff92888@cox.net]
Sent: Thursday, June 01, 2006 9:44 PM
To: Cuneo, Chris
Subject: Re: Vogue Magazine SCRUNCH GLOVE

To Whom it May Concern,

It had been my privilege to use Scrunch and Curl this last year. I have been doing hair for fourteen years and have not found a product that was so client friendly. Many times you can style a person's hair and try to teach them how to do it themselves and when they get home they do not get the same results. I have tried this product on friends, family and clients. They have come back to me time and time again, saying how easy it was to use and how they have shown their friends and have done their own children's hair. One of the main products is the glove. I have found the glove to be comfortable and an easy fit to anyone's hand. The material is thin enough to be able to manipulate the hair into the correct style and yet be a protective cover from over heating. It has multiple uses for drying as well as styling the hair. In the past I have done my hair in a curly fashion and had to use so much more product to get the results that I get with Scrunch and Curl. It is a simple and non complicated way for people to have the permed look without the perm damage. There are so many variations one can do with this product whether it is a tight curl or a relaxed wave. I have been impressed and happy to use Scrunch and Curl and will keep suggesting it to my clintal.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Kerri Thornton
Henderson, Nevada
May 22, 2006
702-566-5566

|

ATTACHMENT E

Date : 10/12/2004
Time : 10:47 AM

MYKYTYN ENTERPRISES, INC.
835 GREENS PARKWAY

SUITE 200
HOUSTON, TX 77067

Page no. :

Detail Sales Analysis by Item
From Date: 09/01/04 To Date: 09/30/04

Customer #	Customer Name	Shipped	Sales Price	Avg. Price	Extended
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Subtotal:

21.0

759.83

Item Number

Item Description

665

SCRUNCH & CURL CURLING CREME

Customer #

Customer Name

Shipped

Sales Price

Avg. Price

Extended

EUPH

EUPHORIA SALON & DAY SPA

3.0

0.00

133.44

400.32

Subtotal:

3.0

400.32

Item Number

Item Description

665.

SCRUNCH & CURL CURLING CREME

Customer #

Customer Name

Shipped

Sales Price

Avg. Price

Extended

INTERURBAN

INTERURBAN GIFTS AND HAIR EXPOSE

0.17

0.00

166.80

118.15

NORSHO

MYKYTYN MEDICAL

1.0

0.00

90.24

90.24

RETAIL

RETAIL CUSTOMER

0.2

0.00

334.80

27.90

SAMUL

SAMPLES JULIE

0.12

0.00

0.00

0.00

WHLSL

WHOLESALE CUSTOMER

0.2

0.00

156.00

13.00

Subtotal:

2.9

249.29

Grand Total:

16575.30

1,657.50

MYKYTYN ENTERPRISES, INC.
835 GREENS PARKWAY
SUITE 200
HOUSTON, TX 77067

Detail Sales Analysis by Item
From Date: 09/01/04 To Date: 09/30/04

Item Number Item Description

640 SCRUNCH & CURL CLIENT KIT

Customer #	Customer Name	Shipped	Sales Price	Avg. Price	Extended
AERIAL	AERIAL COMPANY, INC.	65.0	0.00	129.48	8416.20
EUPH	EUPHORIA SALON & DAY SPA	1.0	0.00	191.76	191.76
FOOTS	FOOTSIES	0.6	0.00	143.88	71.94
MEMBEAU	MEMPHIS BEAUTY SUPPLY	12.0	0.00	143.88	1726.56
RHOD	RHODES BEAUTICIAN SUPPLY	24.0	0.00	143.88	3453.12
WHLSL	WHOLESALE CUSTOMER	9.10	0.00	105.71	1039.48
Subtotal:		112.4			14899.06

Item Number Item Description

640Q SCHRUNCH N CURL BOX

Customer #	Customer Name	Shipped	Sales Price	Avg. Price	Extended
WHLSL	WHOLESALE CUSTOMER	1.0	0.00	20.00	20.00
Subtotal:		1.0			20.00

Item Number Item Description

641 SCRUNCH & CURL SALON KIT

Customer #	Customer Name	Shipped	Sales Price	Avg. Price	Extended
FOOTS	FOOTSIES	1.0	0.00	59.40	59.40
WHLSL	WHOLESALE CUSTOMER	2.0	0.00	79.20	158.40
Subtotal:		3.0			217.80

Item Number Item Description

642 SCRUNCH&CURL STEP BY STEP/DVD

Customer #	Customer Name	Shipped	Sales Price	Avg. Price	Extended
FOOTS	FOOTSIES	1.0	0.00	5.00	5.00
MEMBEAU	MEMPHIS BEAUTY SUPPLY	1.0	0.00	0.00	0.00
Subtotal:		2.0			5.00

Item Number Item Description

643 SCRUNCH&CURL STEP BY STEP/VHS

Customer #	Customer Name	Shipped	Sales Price	Avg. Price	Extended
FERGKIM	KILEE DISTRIBUTING	5.0	0.00	4.00	20.00
WHLSL	WHOLESALE CUSTOMER	1.0	0.00	4.00	4.00
Subtotal:		6.0			24.00

Item Number Item Description

645 SCRUNCH & CURL KIT

Customer #	Customer Name	Shipped	Sales Price	Avg. Price	Extended
RETAIL	RETAIL CUSTOMER	17.0	0.00	39.99	679.83
WHLSL	WHOLESALE CUSTOMER	4.0	0.00	20.00	80.00

Date : 12/10/2004
Time : 11:23 AM

MYKYTYN ENTERPRISES, INC.
835 GREENS PARKWAY
SUITE 200
HOUSTON, TX 77067

Page no.

General Ledger Activity Report
From : 11/01/04 To : 11/30/04

Jrnl. Code	Tran No.	Date	Acct.#	Ref./Account Name	Description	Debits	Credits	Balance	Posted
			4104	Sales - Scrunch & Curl					
BI	00225	11/30/04			BEGINNING BALANCE			67362.77	Yes
CH	00516	11/30/04			Billing Summary		12945.83	80308.60	Yes
CH	00516	11/30/04			SOUTHWEST BANK -1102VSCR	39.99		80268.61	Yes
CH	00516	11/30/04			AMERICAN EXPRES-1109AXCR	39.99		80228.62	Yes
CH	00516	11/30/04			SOUTHWEST BANK -1118VSCR	39.99		80188.63	Yes
CH	00518	11/30/04			SOUTHWEST BANK -1130MCCR	39.99		80148.64	Yes
				ACCOUNT TOTALS		159.96	12945.83		
				TOTAL TRANSACTION		159.96	12945.83		

12,785.87 NET

Thank you
Neal

Detail Sales Analysis by Account
 From Date: 04/01/05 To Date: 04/30/05

Item Description

Item Number

Customer #		Customer Name	Shipped Sales PriceAvg. Price Extended	
SCRUNCH & CURL CURLING CREME				
35.		AERIAL	32.0	100.08
		AERIAL COMPANY, INC.	0.00	3202.56
		HENRYROTH HENRY ROTH SALON	0.4	100.08
		RETAIL CUSTOMER	0.14	16.68
		WHLSL	1.1	195.30
		WHOLESALE CUSTOMER	0.00	334.80
			0.00	173.75
				166.80
				3588.29
			33.19	
				14685.35

Subtotal:

Grand Total:

April 1468.53
 Cross: 5 Cans (below) 5925.00
 " " (April) 559.28
 7952.81
 =



ONE MINUTE MANICURE®

Scrunchit, Inc.

May 13, 2005

Dear Catherine and Shauna,

If you would be so kind as to provide back to us the following information regarding the Las Vegas Hair and Nail Show on April 30th - May 2nd, 2005. This will document our inventory transfer and our agreement regarding this activity

You were provided by Mykytyn Enterprises, Inc.	
600 ea Scrunch N Curl Kits	Sku #645
48 ea Scrunch N Curl Crème	Sku # 665
96 ea Scrunch N Curl Fixing Spray	Sku # 660

Show Sales Information

Cash Total:

3050

Check Total:

~~8000~~ 449

Credit Card Total:

~~0000~~ 6634

Uncollectible Payments:

 \$360.00 (credit cards)

 (checks)

Grand Total:

~~\$11,544.00~~ 10, 11,544.00

This acknowledges that Scrunchit, Inc. has been compensated with the entire proceeds from this activity and that Scrunchit, Inc. is in receipt of all funds generated at this event as indicated

Print Name: Catherine Gifford

Signature: Catherine Gifford

Date: 5/23/05

Date : 05/06/2005
Time : 3:45 AM

MYKYTYN ENTERPRISES, INC.
835 GREENS PARKWAY
SUITE 200
HOUSTON, TX 77067

Page no. 1

Detail Sales Analysis by Item
From Date: 04/01/05 To Date: 04/30/05

Item Number	Item Description					
640	SCRUNCH & CURL CLIENT KIT					
	Customer #	Customer Name	Shipped Sales Price	Avg. Price	Extended	
	AERIAL	AERIAL COMPANY, INC.	27.0	0.00	129.48	3495.96
	INTERURBAN	INTERURBAN GIFTS AND HAIR EXPOSE	0.6	0.00	239.88	119.94
	SAMPAT	SAMPLES PATTY LEE	0.2	0.00	0.00	0.00
	WHLSL	WHOLESALE CUSTOMER	3.6	0.00	228.46	799.60
Subtotal:			31.2			4415.50

Item Number	Item Description					
641	SCRUNCH & CURL SALON KIT					
	Customer #	Customer Name	Shipped Sales Price	Avg. Price	Extended	
	SAMPAT	SAMPLES PATTY LEE	1.0	0.00	0.00	0.00
Subtotal:			1.0			0.00

Item Number	Item Description					
645	SCRUNCH & CURL KIT					
	Customer #	Customer Name	Shipped Sales Price	Avg. Price	Extended	
	RETAIL	RETAIL CUSTOMER	36.0	0.00	39.99	1439.64
Subtotal:			36.0			1439.64

Item Number	Item Description					
60	SCRUNCH & CURL FIXING SPRAY					
	Customer #	Customer Name	Shipped Sales Price	Avg. Price	Extended	
	HENRYROTH	HENRY ROTH SALON	3.0	0.00	2.99	8.97
	MAXXB	MAXX BEAUTY	2000.0	0.00	2.49	4980.00
	RETAIL	RETAIL CUSTOMER	12.0	0.00	8.29	99.50
	SAMPAT	SAMPLES PATTY LEE	1.0	0.00	0.00	0.00
	WHLSL	WHOLESALE CUSTOMER	31.0	0.00	4.95	153.45
Subtotal:			2047.0			5241.92

Orlando Premiere 2005 Sales

SCRUNCH & CURL

SUNDAY

<u>ITEM</u>		<u>QTY SOLD</u>	<u>UNIT PRICE</u>	<u>TOTAL SOLD:</u>
Kits - Buy 5 get 1 Free	12X 5=60	60	\$100.00	\$1,200.00
Kits - (free promotional)		12	\$0.00	\$0.00
Kits Individual		217	\$20.00	\$4,340.00
TOTAL:		289		\$5,540.00
Fixing Spray		38	\$5.00	\$190.00
Fixing Spray (Free)		8	\$0.00	\$0.00
TOTAL:		46		\$190.00
Curl Forming Crème		10	\$7.00	\$70.00
TOTAL:		10		\$70.00
TOTAL SALES:				\$5,800.00

MONDAY

<u>ITEM</u>		<u>QTY SOLD</u>	<u>UNIT PRICE</u>	<u>TOTAL SOLD:</u>
Kits - Buy 5 get 1 Free	12 X 5=60	60	\$100.00	\$1,200.00
Kits - (free promotional)		12	\$0.00	\$0.00
Kits Individual		65	\$20.00	\$1,300.00
Kits-Free Press Room		6	\$0.00	\$0.00
TOTAL:		143		\$2,500.00
Fixing Spray		37	\$5.00	\$185.00
Fixing Spray (Free)		8	\$0.00	\$0.00
TOTAL:		45		\$185.00
Curl Forming Crème		38	\$7.00	\$266.00
TOTAL:		38		\$266.00
TOTAL SALES:				\$2,951.00

Total Show Sales: **\$8,751.00**